

REMARKS

Claims 1, 2, 4 and 6-24 were pending in the application. Claims 1 and 20 have been amended. No claims have been canceled or added. Therefore, claims 1, 2, 4 and 6-24 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Claims 1, 2, 4, 6-11 and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,556,129 (“Coman”). In addition, claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coman. The rejections of independent claims 1 and 20 should be withdrawn because Coman does not disclose, teach or suggest the claimed invention. For example, Coman does not disclose, teach or suggest a hook “being of integral design with the retaining device and being bent out of the plane of the retaining device around a fold, wherein the fold extends in the same direction as a hook point,” as called for in amended claims 1 and 20. The hooks 245, 247 of Coman are arranged in the center of the inner face 235 of the left side bolster 223. Figures 8 and 9 of Coman clearly show that the hooks 245, 247 protrude out from a solid surface 235. There is no opening in the material of the inner face 235. Thus, hooks 245, 247 are not “bent out of the plane of the retaining device.”

In addition, the left side bolster frame 229 is not a “planar element,” as called for in amended claims 1 and 20. The bolster frame 229 is a rounded structure. *See* Coman at Fig. 9. Therefore, reconsideration and withdrawal of the rejections is respectfully requested.

Claims 2, 4, 6-19 and 21-24 depend from claims 1 and 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claims 1, 2, 4, 6-13 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,533,550 (“Karlow”) in view of U.S. Patent No. 5,951,046 (“Hosoda”) or Coman. The rejection of independent claims 1 and 20 should be withdrawn because a prima facie case of obviousness has not been made. The references, taken together or separately, do not disclose, teach or suggest the claimed invention. For example, none of the references disclose, teach or suggest a hook “being of integral design

with the retaining device and being bent out of the plane of the retaining device around a fold, wherein the fold extends in the same direction as a hook point,” as recited in amended claims 1 and 20. The Office Action acknowledges that Karlow does not disclose a hook as called for in claims 1 and 20. *See* Office Action at p 4. Hosoda and Coman do not cure the deficiencies of Karlow. Hosoda merely discloses a locking portion 5 to fix a seat belt adjuster to a pillar 6. *See* Hosoda at col. 3, lines 9-11. The locking portion 5 is not “bent out of the plane of the retaining device around a fold, wherein the fold extends in the same direction as a hook point.” *See* Hosoda at Figs. 1-5. As discussed above, Coman does not disclose a hook that is bent out of the plane of the retaining device. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 4, 6-13, 15-19 and 21-24 depend from claims 1 and 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.


Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5/31/05

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No: 39,370